

### **Remarks**

Applicant respectfully requests reconsideration of this application as amended. Claims 1, 2, 4, 7-8, 15, 17, and 18 have been amended. Claims \*\*\* have been canceled. Claims \*\*\* have been added. Therefore, claims \*\*\* are presented for examination.

### **Claim Objections**

Claims 10, 11, 17, and 18 are objected to because of the following informalities: Claims 10 and 17 are depended on claim 1, but the claim limitations are the same (repetitive). Claims 11 and 18 are depended on claim 10, but the claim limitations are the same (repetitive). Claims 17 and 18 have been amended to depend from system claims 16 and 17, respectively. As such, the claim limitations are no longer repetitive and applicant respectfully requests the withdrawal of the present claim objections to claims 10, 11, 17, and 18.

### **35 U.S.C. §103 Rejection**

Claims 1, 2, 8, 13, 15, and 20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Weare (U.S. Patent No. 7,013,238) in view of Shraim (U.S. Publication No. 2007/0299915). Applicant submits that the present claims are patentable over Weare in view of Shraim.

Weare discloses a system for generating recommendations which automatically optimizes over time without human intervention. (Weare at Abstract.) Shraim discloses a system for detecting, analyzing, and responding to fraudulent activity. (Shraim at Abstract.)

Claim 1, as amended, recites:

A method, comprising:

conducting, by a learning component of a server of a network, different trials of one or more options in different states of a network communication between a client and the server via a protocol of the network communication, wherein each trial is defined by a combination of the one or more options occurring at a particular state of the network communication;

receiving, by the learning component, performance feedback for the different trials as rewards; and

utilizing, by the learning component, the different trials and their associated resulting rewards to improve a decision-making policy made by an option negotiation component of the server for negotiation of one or more options, wherein the one or more options defining specifications of the network communication between the server and the client.

Applicant submits that Weare in view of Shraim does not disclose or suggest utilizing, by the learning component, the different trials and their associated resulting rewards to improve a decision-making policy made by an option negotiation component of the server for negotiation of one or more options, wherein the one or more options defining specifications of the network communication between the server and the client, as recited by claim 1. With respect to Weare, the Office Action cites column 4, lines 37-48 as teaching “generating recommendations, which automatically optimiz[e] its parameters (utilizing) by using feedback.” (Office Action, 04/12/10, pg. 3, pt. 3.) However, this cited portion of Weare and associated analysis by the Office Action is not the same as utilizing feedback to improve a decision-making policy made by an option negotiation component of a server for one or more options that define specifications of a network communication between a server and a client. There is no discussion of improving decision for option negotiation, those options defining a spec of a network communication between a server and a client. As such, Weare does not teach or suggest the above-cited feature of claim 1.

With respect to Shraim, the Office Action does not rely on Shraim to teach such a feature. Specifically, the Office Action relies on Shraim to teach automated feedback

without human interaction. (Office Action, 04/12/10, pg. 3, pt. 3.) However, Shraim does not teach, disclose, or suggest utilizing feedback to improve a decision-making policy made by an option negotiation component of a server for one or more options that define specifications of a network communication between a server and a client. As such, Shraim does not teach or suggest the above-cited feature of claim 1.

Therefore, claim 1, as well as its dependent claims, is patentable over Weare in view of Shraim. Independent claims 8 and 15 recited similar features as claim 1. Therefore, claims 8 and 15, as well as their respective dependent claims, are patentable over Weare in view of Shraim for the reasons discussed above with respect to claim 1.

Claims 3 and 14 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Weare (U.S. Patent No. 7,013,238) in view of Shraim (U.S. Publication No. 2007/0299915) as applied to claim 2 above, and further in view of Stakutis (U.S. Pub. No. 2005/0251516). Applicant submits that the present claims are patentable over Weare and Shraim in view of Stakutis. Claims 3 and 14 depend from independent claims 1 and 10, respectively. As discussed above, claims 1 and 10 are patentable over Weare in view of Shraim. Stakutis does not remedy the defects of Weare and Shraim in light of claims 1 and 10. Therefore, claims 3 and 14 are patentable over Weare and Shraim in view of Stakutis.

Claims 4-6, 9-11, and 16-18 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Weare (U.S. Patent No. 7,013,238) in view of Shraim (U.S. Publication No. 2007/0299915) as applied to claim 1 above, and further in view of Young (U.S. Publication No. 2003/0074338). Applicant submits that the present claims are patentable

over Weare and Shraim in view of Young. Claims 4-6, 9-11, and 16-18 variously depend from independent claims 1, 10, and 15. As discussed above, claims 1, 10, and 15 are patentable over Weare in view of Shraim. Young does not remedy the defects of Weare and Shraim in light of claims 1, 10, and 15. Therefore, claims 4-6, 9-11, and 16-18 are patentable over Weare and Shraim in view of Young.

Claims 7, 12, and 19 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Weare (U.S. Patent No. 7,013,238) in view of Shraim (U.S. Publication No. 2007/0299915) as applied to claim 1 above, and further in view of Zhu (U.S. Publication No. 2006/0274899). Applicant submits that the present claims are patentable over Weare and Shraim in view of Zhu. Claims 7, 12, and 19 variously depend from independent claims 1, 10, and 15. As discussed above, claims 1, 10, and 15 are patentable over Weare in view of Shraim. Zhu does not remedy the defects of Weare and Shraim in light of claims 1, 10, and 15. Therefore, claims 7, 12, and 19 are patentable over Weare and Shraim in view of Zhu.

Applicant respectfully submits that the rejections have been overcome and that the claims are in condition for allowance. Accordingly, applicant respectfully requests the rejections be withdrawn and the claims be allowed.

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

Applicant respectfully petitions for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17(a) for such an extension.

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

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